



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,825	03/13/2001	Kimihito Yamasaki	55698(904)	2050
21874	7590	11/25/2005		
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205				
EXAMINER SWEARINGEN, JEFFREY R				
ART UNIT		PAPER NUMBER		
2145				

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,825

Applicant(s)

YAMASAKI ET AL.

Examiner

Jeffrey R. Swearingen

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/15/05 + 10/21/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This case has been reassigned to a new examiner.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/2/2005 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-5, 9-10, and 33-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The term "when device should be sent to the managing device" in claims 1, 3, 9, and 10 is a relative term which renders the claim indefinite. The term "should be" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Applicant has not given adequate support within the specification and claims to allow one of ordinary skill in the art to know what is meant by "when device information should be sent". No concrete term exists for delineating whether this event "should be" occurring every time the data is collected or if the information "should be" sent only when certain parameters are encountered in the invention.

Art Unit: 2145

6. Claim 3 is confusing to one of ordinary skill in the art. One of ordinary skill in the art would not understand *an information selecting section for selecting information that should be attached data out of the device information, in response to an instruction from the external.*

7. Claim 4 refers to "indicative of a state of use". The language is confusing, and one of ordinary skill in the art would be unclear what Applicant intends by the phrase "indicative of a state of use".

8. Claims 5, 9 refer to "device information about a plurality of management target devices". Because of the use of location wording later within the claim, the term "about" can be construed as meaning information concerning a particular device or information within the proximity of a device.

9. The words "predetermined" and "dedicated" within claims 5 and 33 are indefinite. In regard to claim 5, one of ordinary skill in the art would not know whether the predetermination was made by the device, the system, a user, or was pre-established as a boundary by the system before use. In regard to claim 33, a "dedicated" program could be a program that only works on a certain aspect of a device or a program that is authored in honor of someone. Clarification on these two terms is requested by Applicant to eliminate possible confusion.

10. The term "higher" in claim 34 is a relative term which renders the claim indefinite. The term "higher" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. No metes and bounds exist to allow one of ordinary skill in the art to adequately gauge what is meant by the "higher" compression rate and how that compression rate is being compared to an assumed "lower" compression rate.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

Art Unit: 2145

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-10 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Motoyama et al. (U.S. Patent No. 6,631,247).

13. In regard to claim 1, Motoyama disclosed *a transmission processing section that, when device information should be sent to the managing device, converts the collected device information into attached data, and transmits an electric mail containing the attached data to said managing device.*

Motoyama disclosed sending status messages from a device to a server by use of electronic mail. See Motoyama, column 14, lines 1-53.

14. In regard to claim 2, Motoyama is applied as in claim 1. Motoyama further disclosed *said transmission processing section is set so as to convert a part of the device information into mail data in an electric mail format, while to convert the other part of the device information into attached data, and to transmit an electric mail containing the attached data and the mail data to said managing device.*

Motoyama disclosed that data was in a predetermined format such as Excel or HTML. Column 14, lines 16-20. Attachments were used in the electronic mail messages. Column 17, lines 58-63.

15. In regard to claim 3, Motoyama is applied as in claim 2. Motoyama further disclosed *an information selecting section for selecting information that should be attached data out of the device information, in response to an instruction from the external, wherein said transmission processing section is set so as to convert the information selected by said information selecting section into attached data.*

Motoyama disclosed the usage of a command to collect device information *from the external* in column 18, lines 1-62. Attachments were used in email as shown in column 17, lines 58-63, and further as inherently shown in column 14, lines 16-20.

16. In regard to claim 4, Motoyama is applied as in claim 2. Motoyama further disclosed *said transmission processing section is set so as to convert use information indicative of a state of use of said management target device into attached data.* See column 14, lines 1-62, where data regarding the status of a device was sent via email to a managing device. The use of the Excel format in lines 16-20 taught the use of attachments, as also shown in column 17, lines 58-63.

Art Unit: 2145

17. In regard to claim 5, Motoyama is applied as in claim 1. Motoyama further disclosed *said transmission processing section is set so as to transmit device information about a plurality of management target devices located in a predetermined area by a same electric mail*. See column 14, lines 21-40, where multiple devices can transmit status information to a managing server.

18. In regard to claim 6, Motoyama is applied as in claim 1. Motoyama further disclosed *said transmission processing section is set so as to send the electric mail transmitted to the manager, also to another destination according to a request by a user*. Motoyama disclosed that multiple persons such as home users were recipients of the status information messages. Column 14, lines 54-62.

19. In regard to claim 7, Motoyama is applied as in claim 1. Motoyama further disclosed *said transmission processing section includes an encoding section for encoding attached data, and is set so as to have the encoded attached data in an electric mail*. In column 14, Motoyama disclosed the encoding of data into a format such as Excel or HTML. In column 17, lines 58-63, Motoyama disclosed sending email with attachments present. The relationship of these attachments to the Excel or HTML formats being sent to a user in column 14 is inherent to Motoyama.

20. In regard to claim 8, Motoyama disclosed *an information communication device notifying a managing device of device information about a management target device by electric mail, said information communication device including a transmission processing section that converts the device information into attached data, and transmits an electric mail containing the attached data to said managing device; a management target device that causes said information communication device to transmit an electric mail containing device information; and a managing device that performs remote management of said management target device, based on the device information contained in the electric mail transmitted from said information communication device*. Motoyama disclosed the transmission of status information for a device using email and attachments in column 14, lines 1-53, and column 17, lines 58-63. Motoyama disclosed managing the device remotely via email commands in column 18, lines 39-62.

21. Claim 9 is substantially the same as claim 1.

22. Claim 10 is substantially the same as claim 1.

Art Unit: 2145

23. In regard to claim 33, Motoyama is applied as in claim 1. Motoyama further disclosed *said attached data is produced by a dedicated program, whereby said attached data is readable only by said dedicated program*. Motoyama allowed a user to transmit data in a predetermined format. Column 14, lines 16-20.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama in view of Wong et al. (U.S. Patent No. 6,654,746).

26. In regard to claim 34, Motoyama is applied as in claim 2. Motoyama failed to disclose the compression of an email attachment. However, Wong in the field of art of email transmission disclosed the ability to transmit a compressed email attachment within a message in column 10, lines 13-27. Therefore it would have been obvious to one of ordinary skill in the art to compress the attachments in Motoyama as shown by example in Wong in order to reduce internet traffic, bandwidth usage, and packet transfer latency during transmission.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith et al.

U.S. Patent No. 6,785,015

Harvey et al.

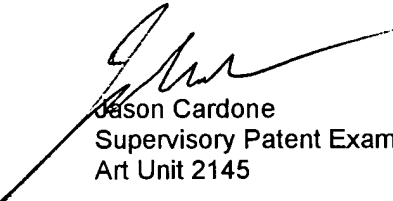
U.S. Patent No. 6,519,568

Art Unit: 2145

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason Cardone
Supervisory Patent Examiner
Art Unit 2145